83-1731

Office - Supreme Court, U.S
FILED
MAR 15 1984
ALEXANDER L. STEVAS
CLERK

NO. _____

In the Supreme Court of the United States

October Term, 1984

LARRY COHRAN,

Petitioner

vs.

STATE BAR OF GEORGIA,

Respondent.

ON DIRECT APPEAL, OR IN THE ALTERNATIVE, ON WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT FROM THE SUPREME COURT OF GEORGIA

JURISDICTIONAL STATEMENT OF PETITIONER

Larry Cohran
P. O. Box 724054
Atlanta, Georgia 30339
(404) 952-4444

March 14, 1984

QUESTION PRESENTED FOR REVIEW

Where a lawyer pleads guilty under a negotiated plea bargain to an inadvertent infraction of a Bar rule conditioned upon the infraction warranting his receiving the least prescribed punishment, i.e. an informal letter of admonition, and the Special Master ignores the condition and refuses to allow the guilty plea to be withdrawn and the Disciplinary Board and State Supreme Court also disregard the lawyer's withdrawal of said plea and without formal hearing or trial proceed to find him guilty of a greater infraction and punish him to a much greater extent by ordering that an informal reprimand be made against him which is tantamount to a one-third (1/3) total disbarment, has the lawyer been denied his rights guaranteed to him by the 5th, 6th, 7th and 14th Amendments to the the United States Constitution?

TABLE OF CONTENTS

Question Presented for Review.....i

Table of Contents.....ii

Table of Authorities.....iii

Petition for Writ of Certiorari or Direct Appeal.....1

Opinions Below.....3

Jurisdiction.....4

Constitutional Provisions.....6

Statement of the Case.....8

Reasons for Granting Writ of Certiorari or Appeal.....14

Conclusion.....21

Certificate of Service or Mailing....23

APPENDIX A

ORDER of October 26, 1983.....A--1

ORDER of Denial of Motion for Reconsideration of December 16, 1983.....A--2

Report of State Disciplinary Board of May 20, 1983.....A--3

Finding of Fact & Order of Special Master of April 7, 1983.....A--4

Letter, Re: Voluntary Discipline
Dated March 22, 1983.....A--5

Petition for Voluntary Discipline
& Attachment A--6

Proposed Order for Voluntary
Discipline.....A--7

Letter of withdrawal of Petition
for Voluntary Discipline
dated April 5, 1983.....A--8

Letter to Justices for con-
sideration in matter dated
July 17, 1983.....A--9

Notice of Appeal
dated March 15, 1984.....A--10

State Bar Rule 4-102 &
Standard 4.....A--11

State Bar Rule 4-103.....A-12

State Bar Rule 4-203 (e).....A-12 &
A-12 (2)

State Bar Rule 4-203 (i).....A-12 (2)

State Bar Rule 4-205 (a) (b).....A-13

State Bar Rule 4-205 (c) (1) (2) &
(3).....A-14

State Bar Rule 4-206.....A-14 & A-15

State Bar Rule 4-206 (a) (b) (c)....A-15

State Bar Rule 4-207.....A-15 & A-15 (2)

State Bar Rule 4-207 (a) (b)....A-15 (2) & A-16

State Bar Rule 4-208 (a) (b).....A-16

TABLE OF AUTHORITIES

Ad Hoc Committee on Judicial Administration v. Com. of Mass, 358 F. Supp. 753, affirmed 488 F. 2d 1241.....18

Barsky v. Board of Regents of N.Y., 347 U. S. 442, 98 L. Ed. 829, 74 S. Ct. 650.....16

Boykin v. Alabama, 89 S. Ct. 1709, 395 U. S. 238, 23 L. Ed. 2d 274.....19 & 20

Brewer v. Williams, 430 U. S. 387, 51 L. Ed. 2d 424, 975 S. Ct. 1232.....21

Brookhart v. Janis, 86 S. Ct. 1245, 384 U. S. 1, 16 L. Ed. 2d 314.....19 & 20

Burgess v. Salmer & Handcock, 24 L. Ed. 1104 at 1106.....16

Chaney v. St. Bar of Cal., 386 F. 2d 962.....18

Cummings v. Missouri, 18 L. Ed. 356.....16

Davis v. Wainwright 1971 D. C. (Fla) 342 F. Supp. 20

Dent v. West Va. 129 U. S. 114, 32 L. Ed. 623, 9 S. Ct. 231.....16

In re Gault 387 U. S. 1, 33; 18 L. Ed. 2d 527, 549.....14

In re Ruffalo
88 S. Ct. 122, 390 U. S . 544,
20 L. Ed. 2d 117.....14 & 16

Ill. v. Allen
90 S. Ct. 1057, 397 U. S. 338,
25 L. Ed. 2d 353, rehearing denied
90 S. Ct. 1684, 398 U. S. 915,
26 L. Ed. 2d. 80.....19

Johnson v. Avery
393 U. S. 483, 21 L. Ed. 2d. 718.....17

Johnson v. Zerbft
304 U. S. 458, 82 L. Ed. 1461,
58 S. Ct. 1019.....20

Miranda v. Arizonia
384 U. S. 436, 16 L. Ed. 2d 694,
86 S. Ct. 602 20

Mugler v. Kansas
123 U. s. 623, 31 L. Ed. 205.....17

Munn v. Ill.
94 U. S. 113, 24 L. Ed. 77.....17

Patterson v. U. S.
281 U. S. 276 at 288 (1930).....17

Santabello v. N.Y.
404 U. s. 257.....18

Singer v. U. S.
380 U. s. 24 (1965).....18

Smith v. Texas
233 U. S. 630, 58 L. Ed. 1129,
34 S. Ct. 681.....16

Smith v. U. S.
337 U. S. 137, 93 L. Ed. 2d 1264,
69 S. Ct. 1000.....20

Fifth Amendment..... i., 6 & 15

Sixth Amendment.....i., 6, 7 & 15

Seventh Amendment.....i., 7 & 15

Fourteenth Amendment.....i., 7, 16 & 18

28 U. S. C. 1257.....5

28 U. S. C. 2101.....5

GEORGIA STATE BAR RULES:

Rule 4-102.....8 & A-11

Standard 4.....8 & A-11

Rule 4-103.....12 & A-12

Rule 4-203.....A-5 & A-12

(e).....A-5 & A-12

(i).....A-5 & A-12 (2)

Rule 4-205.....10, A-5 & A-13

(a) (b).....A-5 &A-13

(c) (1) (2) (3).....A-5 & A-14

Rule 4-206.....10 & A-14

(a) (b) (c).....A-15

Rule 4-207.....10 & A-15

(a) (b).....A-15 (2)

Rule 4-208.....10 & A-16

(a) (b).....A-16

To the Honorable, Chief Justice and Associate Justices of the Supreme Court of the United States.

Larry Cohran, petitioner herein, requests that this Court consider this case as a direct appeal for the reasons that this controversy involves the State Bar of Georgia, an official arm of the Supreme Court of Georgia, and, through the recommendations of the State Bar, the Supreme Court adopts all rules and regulations governing the practice of law in the State of Georgia, and the State Bar promulgates the rules, enforces the rules through its own officers, decides the question of guilt or innocence (except where a jury trial is demanded) and punishes lawyers for infractions of its rules and there is virtually no appeal available from the denial of the lawyer's constitutional rights, or in the

alternative, petitioner prays that a Writ of Certiorari issue to review the order and judgment of the Supreme Court of Georgia, the Disciplinary Board and Special Master as hereinafter set forth.

OPINIONS BELOW

Finding of Fact and Order of Special Master after withdrawal of Petition for Voluntary Discipline by Petitioner [A-4].

Report of State Disciplinary Board [A-3].

Order of Georgia Supreme Court of October 26, 1983 [A-1].

Denial by Georgia Supreme Court of Petitioner's Motion for Rehearing [A-2].

Notice of Appeal from Georgia Supreme Court's orders and rulings [A-10].

JURISDICTION

The Supreme Court of Georgia through its official arm of the Court, the State Bar of Georgia, performs the administrative, executive and judicial duties of the regulation of the practice of law in Georgia.

A complaint was brought by the State Bar against the petitioner on February 19, 1982, and after plea bargain negotiations neither the Special Master nor the State Disciplinary Board of the State Bar of Georgia honored the agreement and refused to allow petitioner to withdraw his plea.

The Findings of Fact and punishment of the Special Master and Disciplinary Board were adopted by the Supreme Court in its Order of October 26, 1983, and petitioner's Motion for Rehearing was denied by the Supreme Court on December 16, 1983.

The Supreme Court of Georgia is the highest Court of Georgia and as the State Bar of Georgia is the official arm of said Court, petitioner has virtually no right to review the decisions of the Supreme Court of Georgia and urges that this Court under its inherent power and 28 U.S.C. 2101 grant petitioner a direct appeal in order to instruct the Supreme Court of Georgia to apply Federal Standards in State Bar proceedings.

In the alternative, petitioner urges that this Court grant Certiorari under 28 U.S.C. 1257 because the highest Court of the State of Georgia has made a final adjudication that is repugnant to the Constitution of the United States of America. Of equal importance, it is, of course, common knowledge that Certiorari is seldom granted and with no right of direct appeal, the Bar Associations of the various States are constantly and

consistently denying lawyers their Constitutional rights in an effort to impress the general public that the Bar Associations are self-policing.

CONSTITUTIONAL PROVISIONS

Petitioner asserts that the following are involved in this action:

Amendment Five to the Constitution of the United States of America:

> "No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Amendment Six to the Constitution of the United States of America:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

Amendment Seven to the Constitution of the United States of America:

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

Section 1, Amendment Fourteen to the Constitution of the United States of America:

"All persons born or naturalized in the in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

STATEMENT OF THE CASE

The State Bar of Georgia initiated a complaint against the petitioner which alleged that he had filled out a card to be used in connection with a pictorial register by the Atlanta Bar Association (a local, private Bar Association) representing that he had attended the University of Georgia Law School and graduated in 1963, but on his enrollment in the State Bar of Georgia, he listed his law school as Woodrow Wilson College of Law and a graduation date of 1958 and that said conduct violated Standard 4 of Bar Rule 4-102 which in essence charged petitioner with professional fraudulent and deceitful misconduct. [A-6].

The petitioner answered the Bar's complaint and demanded a trial by jury which is provided by the Bar Rules, and showed that he had attended the University

of Georgia Law School but was not officially enrolled in same during the years 1958 through 1963 and did not graduate from same, but that he did attend Woodrow Wilson College of Law and graduated in 1958.

After some discovery by both sides and rulings on preliminary matters, petitioner entered into discussion with Mr. George Thomas who was the special master appointed by the Supreme Court to hear the complaint. Mr. Thomas told petitioner that he did not feel the infraction was serious and that if petitioner would file a Petition for Voluntary Discipline, he would recommend the least punishment available.

Relying upon the agreement with the Special Master, petitioner on March 22, 1983, filed his Petition for Voluntary Discipline with the Special Master stating

in part that "Petitioner admits that the above-styled conduct although inadvertent and without any fraudulent or deceitful purpose or intent, would warrant the imposition of an informal letter of admonition against petitioner." [A-5 & A-6].

The least punishment which can be given for violation of the Georgia Bar Rules is an informal letter of admonition which although retained in the files of the State Bar may not be used against the lawyer in any subsequent discipline actions (Rule 4-205-4-208 of the Georgia State Bar Rules).

On March 28, 1983, Mr. Thomas told petitioner that he would recommend a formal letter of admonition instead of the informal letter of admonition and petitioner advised Mr. Thomas at that time that he would not agree to a formal letter of admonition.

On April 5, 1983, petitioner sent Mr. Thomas a certified letter [A-8] formally withdrawing and rescinding his Petition for Voluntary Discipline. Notwithstanding this fact, on April 21, 1983, Mr. Thomas filed a "Finding of Fact & Order" [A-5] with the State Disciplinary Board accepting petitioner's "Petition for Voluntary Discipline" and recommending a letter of formal admonition.

A formal letter of admonition is considered as a reprimand in the event of a third or subsequent imposition of discipline (Georgia State Bar Rules, 4-208(b)).

The attorney representing the State Bar of Georgia, Joe David Jackson, sent a proposed report of the Disciplinary Board in said case to the chairman of the Disciplinary Board exactly following the recommendation of the Special Master, Mr.

Thomas, which included the "formal letter of admonition."

On the 20th day of May, 1983, the State Disciplinary Board adopted the Special Master's Findings of Facts and Order except as to the recommendation of punishment and proceeded to recommend to the Supreme Court of Georgia that petitioner receive a private reprimand in the matter. [A-3].

Three reprimands could result in disbarment (Georgia State Bar Rule 4-103).

The State Disciplinary Board filed their report in the Supreme Court of Georgia and the petitioner filed his response in the Supreme Court of Georgia on July 19, 1983 [A-9], and addendum to said response on July 25, 1983, showing that the Petition for Voluntary discipline was previously withdrawn and that the punishment recommended was excessive in itself and as compared to other lawyers

who had made similar inadvertent infractions and had received no punishment at all.

The Supreme Court adopted the report of the State Disciplinary Board in its Order of October 26, 1983 [A-1]. Petitioner filed a Motion for Rehearing on November 7, 1983, and the same was denied by the Supreme Court on the 16th day of December, 1983. [A-1].

Petitioner filed his Notice of Appeal to this Court from the Supreme Court of Georgia on March 15, 1984. [A-10].

REASONS FOR CONSIDERING AND GRANTING APPEAL OR IN THE ALTERNATIVE GRANTING WRIT OF CERTIORARI

Disbarment, designed to protect the public, is a punishment or penalty imposed on a lawyer. As such, disbarment proceedings are quasi-criminal in nature and are adversary proceedings. In re Ruffalo, 88 S. Ct. 122, 390 U. S. 544, 20 L. Ed. 2d 117; In re Gault, 387 U. S. 1, 33; 18 L. Ed. 2d 527, 549.

A perfect analogy to the case at bar would be that the petitioner was charged with a felony, but under a plea negotiation he agreed to plead guilty to a misdemeanor for a sentence of probation; however, after he plead guilty to the misdemeanor providing for a probated sentence, the prosecutor informed petitioner that he would accept plea of guilty but would recommend incarceration. Petitioner then moves to withdraw his plea

but the prosecutor ignores his request and the judge also ignoring his request finds him guilty of a felony all based upon his guilty plea and without evidence or trial.

Petitioner urges that his rights of due process of laws not to be deprived of property guaranteed to him by the Fifth Amendment to the United States Constitution has been violated. Petitioner further charges that his right to a speedy and public trial by an impartial jury and to be informed of the cause of the accusation and be confronted with the witnesses against him and to have compulsory process in obtaining witnesses in his favor as guaranteed by the Sixth Amendment to the United States Constitution has been violated. Further his right to a trial by a jury as guaranteed by the Seventh Amendment to the Constitution of the United States has been

violated. All as guaranteed by the Fourteenth Amendment to the Constitution of the United States.

The attachment of applicable rights, privileges and immunities cannot be evaded by giving a civil form to that which is essentially criminal. In re Ruffalo, supra; Cummings v. Missouri, 18 L. Ed. 356; Burgess v. Salmer & Handcock, 24 L. Ed. 1104 at 1106.

The right to practice law is a valuable right to liberty and property and "the right to continue" in any "lawful profession cannot be arbitrarily taken any more than real or personal property can thus be taken." Dent v. West Virginia, 129 U. S. 114, 32 L.Ed. 623, 9 S. Ct. 231; Smith v. Texas, 233 U. S. 630, 58 L. Ed.1129, 34 S. Ct. 681; Barksy v. Board of Regents of N. Y., 347 U. S. 442, 98 L. Ed. 829, 74 S. Ct. 650.

The test of history discloses, that

the fundamental principles found to be embodied in every American constitution guaranteeing that every person shall be protected in the enjoyment of his life, liberty and property except as they might be declared to be forfeited by the judgment of his peers can be traced to the Magna Carta. Mugler v. Kansas, 123 U. S. 623, 31 L. Ed. 205; Munn v. Ill., 94 U. S. 113, 24 L. Ed. 77.

Power of the State to control the practice of the law cannot be exercised so as to abrogate federally protected rights. Johnson v. Avery, 393 U. S. 483, 21 L. Ed. 2d 718.

In Patterson v. U. S., 281 U. S. 276 at 288 (1930) the Court spelled out its view on the meaning of a jury trial:

"That it means a trial by jury as understood and applied at common law and includes all the essential elements as they were recognized in this country and England when the Constitution was adopted is not open to question. Those elements

were: (1) That the jury should consist of twelve men, neither more or less; (2) that the trial should be in the presence and under the superintendence of a judge having power to instruct them as to the law and advise them in respect of the facts; and (3) that the verdict should be unamious."

See also Singer v. U. S., 380 U. S. 24 (1965).

A persons privilege to practice law is protected against State action that contravenes due process or equal protection clause of the Fourteenth Amendment. U. S. C. A., Const. Amendment Fourteen; Ad Hoc Committee on Judicial Administration v. Com. of Mass., 358 F. Supp. 953 affirmed 488 F. 2d 1241; Chaney v. State Bar of Cal., 386 F. 2d 962.

To refuse to allow the withdrawal of a guilty plea rises to constitutional proportions. Santabello v. N. Y., 404 U. S. 257.

A waiver may be only knowingly and voluntarily given. In support note:

(a) Courts may indulge every presumption against loss of constitutional rights. Ill. v. Allen, 90 s. Ct. 1057, 397 U. S. 338, 25 L. Ed. 2d 353, rehearing denied 90 S. Ct. 1684, 398 U. S. 915, 26 L. Ed. 2d 80.

(b) There is presumption against waiver of constitutional right, and for waiver to be effective, it must be clearly established that there was intentional relinquishment or abandonment of known right or privilege. Brookhart v. Janis, 86 S. Ct. 1245, 384 U. S. 1, 16 L. Ed. 2d 314.

(c) The question of an effective waiver of federal constitutional right in a proceeding is governed by federal standards. Boykin v. Alabama, 89 S. Ct. 1709, 395 U. S. 238, 23 L. Ed. 2d 274.

Whether a waiver in the State court action has been effected and is voluntary is a Federal question and must be

determined according to Federal Standards. See Davis v. Wainwright, 1971 D. C. (Fla) 342 F. Sup. 39. Boykin, supra.

This court has held that the courts should indulge in every reasonable presumption against waiver of fundamental constitutional rights. Brookhart, supra; Johnson v. Zerbft, 304 U. S. 458; 82 L. Ed. 1461, 58 S. Ct. 1019. In which it was said that the courts did not presume acquiescence to the loss of fundamental rights.

Further, this Court has said that waiver is not to be lightly inferred. Smith v. United States, 337 U. S. 137, 93 L. Ed. 2d 1264, 69 S. Ct. 1000. In the Miranda v. Arizonia, 384 U. s. 436, 16 L. Ed. 2d 694, 86 S. Ct. 602, the court said that very strong proof is necessary to convince the court that a constitutional right has been waived.

When a constitutional right is vested in a party and there is a doubt as to whether it has been waived such doubt should be resolved in the favor of the person asserting the right. whether an individual waives a federal constitutional right is not the question of fact, it is an issue of federal law. See Brewer v. Williams, 430 U. S. 387, 51 L. Ed. 2d 424, 97 S. Ct. 1232.

The fact that one relies upon State law as opposed to Federal law does not constitute a waiver.

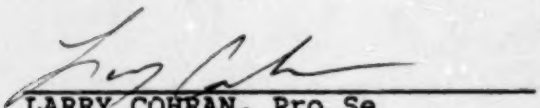
CONCLUSION

Petitioner respectfully submits that this Court should grant certiorari or allow direct appeal and reverse the decision of the Supreme Court of the State of Georgia because the question presented is substantial and the actions of the Supreme Court of Georgia are in serious

conflict with United States Supreme Court decisions and the Constitution of the United States.

Petitioner respectfully prays that a Writ of Certiorari issue or his appeal be granted and Petitioner's constitutional rights be protected.

Respectfully submitted,



LARRY COHRAN, Pro Se
P. O. Box 724054
Atlanta, Georgia 30339

(404) 952-4444

CERTIFICATE OF SERVICE AND
OF MAILING

I hereby CERTIFY that I have this day forwarded forty (40) copies of this Petition to the United States Supreme Court by placing copies of same in a properly addressed package to:

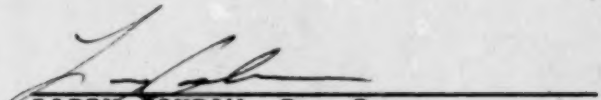
Clerk of the Supreme Court
of the United States
Supreme Court Building
1 First Street, NE
Washington, D. C. 20543

and depositing same in the United States Mail, first class, and have served three (3) copies of same upon attorneys for the State Bar of Georgia at:

Mr. Joe David Jackson
Assistant General Counsel
State Bar of Georgia
84 Peachtree Street, 11th Floor
Georgia Justice Center
Atlanta, Georgia 30303

by placing the copies in a properly addressed envelope with sufficient postage attached thereto and depositing same in

the United States Mail (first class) this 15th day of March, 1984.



LARRY COHRAN, Pro Se
P. O. box 724054
Atlanta, Georgia 30339

(404) 952-4444

Supreme Court Docket No. 254
S.D.B. Docket No. 817

SUPREME COURT OF GEORGIA

Atlanta, Oct 26 1983

The Honorable Supreme Court met pursuant to adjournment. The following order was passed:

In the Matter of Larry Cohran

The record of proceedings and the recommendation of the State Disciplinary Board in this matter having been reviewed, it is hereby ordered that the recommendation of a private reprimand is approved and adopted.

The Chairman of the State Disciplinary Board is hereby authorized and directed to administer to the respondent a private reprimand before the State Disciplinary Board.

Supreme Court of the State of Georgia,

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

/s/ Hazel E. Hallford, Deputy Clerk.

Clerk's Office, Supreme Court of Georgia

Atlanta, Dec. 16, 1983

The motion for reconsideration was denied today:

Case No. 254. In the Matter of Larry Cohran.

Yours very truly,

Mrs. Joline B. Williams,

Clerk

IN THE SUPREME COURT

STATE OF GEORGIA

DISCIPLINARY PROCEEDINGS

IN THE MATTER OF:	:	SUPREME COURT DOCKET NO. 254
LARRY COHRAN,	:	STATE DISCIPLINARY BOARD NO. 817
Respondent.	:	

REPORT OF THE STATE DISCIPLINARY BOARD

A Memorandum of Complaint was filed against the Respondent, Larry Cohran, on February 19, 1982, charging that he represented, on an application for the Atlanta Bar Association Pictorial Register, that he attended the University of Georgia School of Law when in fact he had attended Woodrow Wilson College of Law. The Formal Complaint of the State Bar of Georgia prayed that the Respondent be disbarred from the practice of law in the State of Georgia.

Respondent Cohran in his responsive pleadings challenged the

constitutionality of the State Bar of Georgia, raised various constitutional attacks on the Bar Rules and set out a counterclaim for damages based on conspiracy and malicious conduct seeking a judgment against the State Bar of Georgia and "Does 1 through 10" whose identity does not appear from the record. After discovery, the Respondent filed a Petition for Voluntary Discipline requesting an informal admonition. The Special Master in his Finding of Fact and Order accepted Respondent's Petition for Voluntary Discipline and recommended a formal admonition.

A. Petition for Voluntary Discipline

The State Disciplinary Board accepts and adopts the Special Master's "Findings of Fact and Order" which is

incorporated herein by reference, except as to the recommendation of punishment.

B. Respondent's Counterclaim for Damages

The Special Master's "Findings and Conclusions Regarding Respondent's Counterclaim for Damages" is adopted by the State Disciplinary Board and incorporated herein by reference, and which provides:

1. The Supreme Court has no original jurisidiction, power or authority under the Bar Rules to receive or adjudicate a claim for damages arising out of a disciplinary proceeding.

2. The acts of the State Bar and its agents in a disciplinary proceeding are "absolutely privileged" under Bar rule 4-221(g).

3. A finding of probable cause by

the State Disciplinary Board is a defense to allegations of malicious prosecution.

4. The State Bar of Georgia is immune from Respondent's counterclaim for damages under the principle of judicial immunity or quasi-judicial immunity.

5. The State Bar of Georgia is the administrative arm of the Supreme Court for the control of the practice of law and as such is entitled to the protection of sovereign immunity of the State of Georgia. The words "sue and be sued" in the order creating and establishing the State Bar did not have the effect of waiving the immunity that the State Bar derives from its relationship to the Supreme Court, insofar as its disciplinary proceedings are concerned.

C. Constitutionality of the State Bar of Georgia and the Bar Rules

The Supreme Court of Georgia has the inherent power at common law to regulate the practice of law in the State of Georgia. The State Bar of Georgia was created by the Supreme Court pursuant to the inherent power and, therefore, is constitutional. Essentially the same issue raised by Respondent were raised, discussed and found to have no merit in Sams v. Olah, 225 Ga. 497 (1969) and Wallace v. Wallace, 225 Ga. 102 (1969).

In the order of the Supreme Court creating the State Bar of Georgia, the court "was necessarily <making> a determination that the action then taken was not, for any reason, considered contrary to the laws and Constitution of this State or the Constitution of the

United States, in keeping with the oaths of office by those then serving." 225 Ga. at 108. The Bar Rules are rules adopted by the Supreme Court in the order creating the State Bar of Georgia and subsequent amendments. The same logic which applies to the constitutionality of the State Bar of Georgia applies to the Bar Rules. The Court, in adopting the Bar Rules, made the determination that the rules were constitutional.

D. Regulation of the Practice of Law

The Supreme Court in Carpenter v. State, 250 Ga. 177 (1982), held that "matters relating to the practice of law, including the admission of practitioners, their discipline, suspension, and removal, are within the inherent and exclusive power of the Supreme court of Georgia." Respondent's

assertions to the contrary are denied.

Inasmuch as the State Disciplinary Board needs guidance on the above-discussed issues raised by the Respondent, the State Disciplinary Board respectfully requests an opinion from the Supreme court on these issues. If the Court accepts the recommendation of the State Disciplinary Board for a formal admonition, the Court could render an opinion using Respondent's initials rather than identifying Respondent by name, as is done in juvenile cases.

RECOMMENDATION OF DISCIPLINE

The State Disciplinary Board recommends that Respondent receive a private reprimand in this disciplinary proceeding.

This 20th day of May, 1983.

/s/ Tommy Day Wilcox, Chairman
State Disciplinary Board

IN THE SUPREME COURT

STATE OF GEORGIA

DISCIPLINARY PROCEEDINGS

IN THE MATTER OF:	:	SUPREME COURT DOCKET NO. 254
LARRY COHRAN,	:	STATE DISCIPLINARY
Respondent.	:	BOARD DOCKET NO. 817

FINDING OF FACT AND ORDER

A Memorandum of Complaint was filed against the Respondent, Larry Cohran, on February 19, 1982, charging that he represented on an application for the Atlanta Bar Association Pictorial Register that he attended the University of Georgia School of Law when in fact he had attended Woodrow Wilson College of Law. The formal complaint prayed that the Respondent be disbarred from the practice of law in the State of Georgia for his conduct in fraudulently making such application. Based on statements made by the Respondent, Larry

Cohran in various hearings on this matter, upon his written admissions, as well as the Petition for Voluntary Discipline filed by the Respondent, the Special Master finds the following:

A. That the Respondent completed the application for the Atlanta Bar Association Pictorial Register in his own handwriting, knowingly and voluntarily.

B. The Respondent represented on the application for the Atlanta Bar Association Pictorial Register that he was a graduate of the University of Georgia.

C. The Respondent knew or had reason to know that the application for the Atlanta Bar Association Lawyer's Pictorial Register would be used to compile and publish a directory. However, the Respondent did not know who, if anyone, would rely on the

information contained in that application or for what purpose that information would be relied upon.

D. The conduct of the Respondent, Larry Cohran, was deceitful. However, it was not deceitful to a high or aggravated degree. The Respondent has attempted to show that the Atlanta Bar Association Pictorial Register contains numerous inaccuracies, which inaccuracies, if actually contained in that Register would tend to indicate that it could not be relied upon. In addition, there has been no showing in this case that anyone was injured as a result of the representations made by Respondent.

THEREFORE, in the interest and protection of the public and the rehabilitation of the Respondent Lawyer:

IT IS HEREBY ORDERED that the

Petition for Voluntary Discipline filed by the Respondent, Larry Cohran be accepted, and it is the recommendation of the Special Master that the punishment for the conduct of the Respondent be a "Letter of Formal Admonition" containing a special admonition that Respondent no longer represent himself as a graduate of the University of Georgia Law School.

So ordered this 7th day of April, 1983.

/s/_____
GEORGE THOMAS

"Law Offices
LARRY COHRAN
Atlanta, Georgia 30339

P. O. Box 724054

Telephone
404/952-4444

March 22, 1983

Mr. George J. Thomas
Attorney at Law
401 Main Street
Canton, Georgia 30114

Re: The Matter of Larry Cohran
Supreme Court Docket No. 254
State Disciplinary Board
Docket No. 817

Dear Mr. Thomas:

Pursuant to my conversation with you Wednesday, February 9, 1983, enclosed is my Petition for Voluntary Discipline.

I have also drawn an Order which may be useful to you pursuant to you stating to me that you would recommend an informal letter of admonition. The Order is drawn from Bar Rules, 4-203 (e) (i) and 4-205 (a) (c) (1) (2) (3).

I apologize for the lengthy delay in forwarding this to you; however, I was out of my office for approximately three weeks with the flu, then my secretary took ill and has been out for over a month now and may be out for another six weeks. I thought that she had mailed this out to you before her leave of absence and only discovered

today that the same had not been mailed.

Pursuant to your instructions, I shall make no further efforts concerning discovery until this matter is ruled upon.

With kindest regards,

Yours truly,

Larry Cohran

LC/cb

Enclosures

cc: Joe D. Jackson
Edward S. White"

IN THE SUPREME COURT
STATE OF GEORGIA

IN THE MATTER OF:	*	SUPREME COURT DOCKET NO. 254
LARRY COHRAN	*	
Petitioner.	*	STATE DISCIPLINARY BOARD DOCKET
	*	NO. 817

PETITION FOR VOLUNTARY DISCIPLINE

Now comes petitioner and respectfully shows the Court the following:

1.

A Memorandum of Complaint was filed against petitioner on February 19, 1982, charging that petitioner:

"For the 1980-81 Atlanta Bar Association Lawyers' Pictorial Register, Attorney Cohran represented that he had attended the University of Georgia Law School and graduated in 1963. On his enrollment in the State Bar of Georgia Attorney Cohran listed his law school as Woodrow Wilson College of Law and a graduation date of 1958."

2.

A copy of the card used in applying to have petitioner's picture taken is attached hereto, marked Exhibit "A," and by reference is hereby incorporated into and made a part of this Petition.

3.

Petitioner shows that he was not enrolled in the University of Georgia School of Law and did not graduate in 1963; however, petitioner was enrolled at the University of Georgia during the years 1958, 1959, 1960, 1961, 1962 and 1963, and he did graduate from Woodrow Wilson College of Law in Atlanta, Georgia in 1958 prior to attending the University of Georgia.

4.

Petitioner shows that he did not make any mis-representations for the purpose of deceiving the Bar Association

or the public nor did he know that said information would be published in the Atlanta Bar Pictorial Register at the time the card was filled out.

5.

Petitioner admits that the above-described conduct, although inadvertent and without any fraudulent or deceitful purpose or intent, would warrant the imposition of an informal letter of admonition against petitioner.

6.

Petitioner promises that in the future he will not make any misrepresentations concerning the law school he attended or the dates of his graduation.

WHEREFORE, petitioner prays for and demands that this petition for Voluntary Discipline be granted and that

he be penalized by no more than an informal letter of admonition.

Respectfully submitted,

Larry Cohran, Petitioner

P. O. Box 724054
Atlanta, Georgia 30339

(404) 952-4444

Chemical Carbon Paper

ase **Print Hard** With Pencil or [ ] **Point Pen**

Title, if any
Name ..... Larry Cohran

Firm ..... Tel. 952-4444

Bldg. Fulton Fed. Svg. Bldg. Suite 206

Address 2931 Cobb Parkway

City Atlanta State Ga. Zip Code 30339

Law School Univ of Ga. Year of Graduation 63 Admitted to Bar 63

My name as printed above is correctly spelled. Signature Larry Cohran

Important: Do not separate sheets or fold this form

Allen Studios

Allen Photographic Corporation
14421 East Jefferson
Detroit Michigan 48215

	Photog.	Sitting
AA 453	7	883

IN THE SUPREME COURT

STATE OF GEORGIA

IN MATTER OF:	)	SUPREME COURT DOCKET NO. 254
LARRY COHRAN,	)	
Respondent.	)	STATE DISCIPLINARY BOARD DOCKET NO. 817
	)	

O R D E R

After thoroughly investigating the Complaint made against the above-named respondent, LARRY COHRAN, and his Answer filed thereto, and after considering and evaluating the Petition for Voluntary Discipline filed by respondent, it is my opinion that the conduct described in the Complaint against respondent was not of such a nature as to involve fraud or deceit, and it being my belief that the protection of the public and the rehabilitation of the respondent lawyer would best be achieved by a "Letter of Informal Admonition" rather than any

other form of discipline;

IT IS HEREBY ORDERED, that said Petition for Voluntary Discipline is accepted, and it is my recommendation that the punishment for said conduct of respondent be a "Letter of Informal Admonition," and,

IT IS SO ORDERED, this _____ day of _____, 19___.

_____
GEORGE J. THOMAS
Special Master

April 5, 1983

<LETTER HEAD OMITTED>

"CERTIFIED MAIL NO. P 415 494 721 --

Return Receipt Requested

Mr. George J. Thomas
Attorney at Law
401 Main Street
Canton, Georgia 30114

RE: The Matter of Larry Cohran
Supreme Court Docket No. 254
State Disciplinary Board
Docket No. 817

Dear Mr. Thomas:

I hereby withdraw and rescind my Petition for Voluntary Discipline which I forwarded to you on March 22, 1983.

After the hearing of February 9, 1983, we had a conversation in which you stated that you certainly did not believe that the matter I was charged with was serious enough to warrant the imposition of disbarment or reprimand, and that if I would file a Petition for Voluntary Discipline, you would recommend the least penalty that could be imposed against me. Based upon my understanding of our conversation, I drew a Petition for Voluntary Discipline and an Order which I mailed to you on March 22, 1983. The delay in mailing same was occasioned by the fact that I was out of the office for approximately three weeks with the flu, which can easily be documented, and while I was

out my regular secretary became sick and is still out.

You called me on Monday, March 28, 1983, ad told me that you had received my petition and the response from the State Bar. You stated that you would recommend a formal letter of admonition instead of the informal letter I had alluded to in my petition. I told you at that time that I had not "pled guilty" to any infraction which would warrant the imposition of any punishment greater than that of an "Informal Letter of Admonition," and that before I would agree to the punishment of a formal letter of admonition, I would have to speak to some advisors of mine. I told you that I would call you Wednesday, March 30, after I discussed the matter with my advisors and let you know whether I would agree to accept the punishment of a formal letter of admonition.

On Tuesday I attempted to contact a friend of mine, a former president of the Bar Association, to seek his advice, but was unable to reach him I tried to reach him again on Wednesday with no success. I attempted to reach you Wednesday,

but there was no answer at your office. On Thursday afternoon, I spoke to your secretary who told me that you had gone for the day; however, I left a message that I had called.

I was unable to reach the past president of the Bar until Monday, April 4, 1983, to seek and obtain his advice. I also sought the advice of Fletcher Thompson on Monday.

Mr. Thompson was going to call you on Monday; however, by the time we had finished discussing the situation, it was 5:30 P.M., and Mr. Thompson felt that you would be gone from your office and did not attempt to call you. He advised me that he would be in court this morning, but that he would call you in the afternoon as he did. (Mr. Thompson was authorized to speak to you on my behalf).

Mr. Thompson, the past president of the Bar Association, and other lawyers have advised me to reject any offer to plead guilty to any charge that would warrant the imposition of a formal letter of admonition as none of them believe the situation is serious enough to warrant such a penalty especially since the Atlanta Bar's Pictorial Register is redundant with inaccuracies.

Since I spoke with you last Monday, I have examined the Georgia Bar records, the 1976 Atlanta Bar Pictorial Register and the 1981 Atlanta Bar Pictorial Register on data listed for approximately two hundred (200) lawyers and have discovered approximately two hundred (200) discrepancies in the information as shown for these lawyers in the Pictorial Register of 1976, the Pictorial Register of 1981, and the Georgia Bar records wherein the lawyers have either mis-stated the law school

which was attended, the date of graduation therefrom or the date of their admission to the Bar of Georgia. Some of the names are quite impressive and it would be hard for me to believe that they were trying to defraud or mislead anyone, yet the conduct I am accused of is no greater than the conduct of others as evidenced in the above-named documents.

I have only checked the admission records of the State Bar in relation to the approximate two hundred (200) lawyers whose picture in the 1976 Atlanta Bar Pictorial and the 1981 Atlanta Bar Pictorial Register show inconsistent information concerning the law school attended, the date of graduation and the date of admission to the Bar. The entire membership (approximately 3,700) of the Atlanta Bar Association has not been examined at this time to determine the reliability of the information contained in the Pictorial Register; however, I expect that an examination will result in hundreds of other infractions similar to the one I am charged with.

I have admitted that I made an inadvertent statement without any fraudulent or deceptive purpose or intent which would warrant the imposition of an informal letter of admonition against me; however, I do not feel that I should be treated any differently than all other lawyers in this State nor should I be singled out for prosecution.

I must come to my next point. From the inception of this matter, I have felt that you were unfriendly toward me and that you were quick to criticize me at every opportunity. Just as a small example, I called to your attention that you passed an order dated January 31, 1983, stating that on February 9, 1983, "...a hearing will be held on the State Bar's Motion to compel..." Yet, at the time of the hearing, you ordered me to proceed with my Motion to Compel against the State Bar although I stated that I was not ready to proceed. After being forced to proceed, you cut off my argument in support of my Motion to compel the State Bar and my argument in support of my Motion to Dismiss the State Bar's Motion to Compel Discovery. The State Bar had filed a Motion for Order to Compel Discovery concerning my answers to their Request for Admissions. I had responded to the Bar's Request for Admissions and the filing of a Motion to Compel was improper. A correct Motion would have been a Motion to Determine Sufficiency of Answers.

Even though I had answered their Request for Admissions, you ordered me "...within 48 hours of the date of the entry of this order, reform and file his Response to Movant's Request for Admissions of Matters and Genuineness of Documents paragraph numbers 2 and 3 (a) and (b)."

The Bar's answers to my Request for Admissions in many areas were

evasive and inconsistent, but you refused to grant me any relief whatsoever through my proper Motion to Determine the sufficiency of Answers. The Bar's answers to my Interrogatories were evasive and incomplete, but again, you refused to grant me any relief except to orally order the Bar to tell me the names of their witnesses. It appears that every ruling that you have made has stretched reasoning in order to rule against me and for the State Bar.

Every suspicion I had concerning your prejudice against me was affirmed today when Mr. Thompson, after talking with you on the telephone, told me "that man doesn't like you." Mr. Thompson said that you told him that you did not feel that there was much too the case when you first became involved in it, but that because I had failed to make deadlines and to take care of matters that I should, you wondered if I treated my clients the same way and that you felt I should have a formal letter of admonition in my file because of these reasons.

Let me remind you that I am not charged in this complaint with failing to meet deadlines nor for failing to take care of my clients. I am charged with an offense which hundreds of other lawyers are guilty of. Let me also remind you that for the past year, I have not been in the best of health and have been hospitalized for extended periods of time on two occasions. It is

difficult to maintain a decent law practice when one is sick and a sole practitioner. This is especially true when an organization as powerful as the Bar has its investigators spending all of their waking moments searching for some excuse to disbar me because I oppose their oligarchical reign over the lawyers of Georgia.

I have not meant to offend you but I feel that you are consciously or unconsciously personally biased and prejudiced against me and I must therefore ask that you recuse yourself from any further action in this matter. I mean nothing personal against you and I apologize if I have in any way hurt your feelings, but I have said nothing that did not have to be said.

My practice of law is one of the most important things in my life and I have endeavored to keep a black mark from appearing on my record with the Bar and have many times forfeited my rights because of this. I know that defending this action will cost me may thousands of dollars, but I will not agree to the mark of a formal letter of admonition on my record for an inadvertent mistake which hurt no one.

Yours truly,

Larry Cohran

LC/er

cc: Joe D. Jackson
Edward S. White"

<LETTER HEAD NOT RECOPIED>

"July 17, 1983

Justices of the Supreme Court of Georgia
State Judicial Building
Atlanta, Georgia 30334

Re: Matter of Larry Cohran
Supreme Court Docket No. 254
State Disciplinary Board
Docket No. 817

Dear Justices:

On April 5, 1983, I withdrew and rescinded my Petition for Voluntary Discipline which I had forwarded to Mr. George J. Thomas, Special Master, on March 22, 1983, and asked him to disqualify himself because of statements he made to Mr. Fletcher Thompson and his conduct toward me which indicated his prejudice against me as evidenced by the certified letter I sent to him dated April 5, 1983, which, by reference, is hereby incorporated into and made a part of this letter the same being marked Exhibit "A."

I was intentionally or unintentionally mislead into filing the Petition for Voluntary Discipline by Mr. Thomas; however, my Petition stated that "Petitioner admits that the above-described conduct, although inadvertent and without any fraudulent or deceitful purpose or intent, would warrant the imposition of an informal letter of admonition against petitioner." (See

paragraph 5 of Petition for Voluntary Discipline attached hereto as Exhibit "B.").

Petitioner did not admit that he had committed any offense that would warrant the imposition of any punishment greater than a letter of informal admonition.

Although I withdrew my Petition for Voluntary Discipline on April 5, 1983, my withdrawal was completely ignored and I received a Finding of Fact and Order from Mr. Thomas dated April 7, 1983, but postmarked April 20, 1983, which recommended punishment of a "Letter of Formal Admonition." (See Finding of Fact of Mr. Thomas and envelope in Which same was received marked Exhibits "C" and "D" attached hereto.)

Attached hereto marked Exhibit "E" is a copy of a letter from Mr. Edward S. White, Attorney for the State Bar, which supports my averment that Mr. Thomas did not mail the Finding of Fact until April 20, 1983, since the first paragraph of Mr. White's letter of April 25, 1983, states:

"On April 21, 1983 I received a copy of your Finding of Fact and Order, dated April 7, 1983."

Although Mr. Thomas received the letter of April 5, 1983, he completely ignored it and did not disqualify himself from taking further action in

the case nor did he order a hearing to determine whether he should be disqualified as he was required by law to do.

I will not say that I was "tricked" into filing the Petition for Voluntary Discipline, but I was certainly mislead, perhaps unintentionally, into doing so.

I admit that I made an inadvertent mistake without any fraudulent or deceitful purpose or intent which would warrant the imposition of an informal letter of admonition against me, but in view of at least approximately 200 (two hundred) other lawyers who are obviously guilty of the same conduct, I feel that the imposition of a greater penalty is unreasonable punishment especially since this action was instituted by the Office of the State Bar and although the Bar is aware of the vast number of discrepancies that exist concerning the other lawyers listed in the Atlanta Bar Pictorial Register no action has been instituted to punish these other lawyers.

I respectfully request that the Court allow no more than a letter of informal admonition or that it dismiss the proceedings against me.

Respectfully submitted,

Larry Cohran

LC/CB
Enclosures
cc: Mr. George J. Thomas
Mr. Joe David Jackson
Mr. Edward S. White"

IN THE SUPREME COURT OF

THE STATE OF GEORGIA

IN THE MATTER OF:

LARRY COHRAN

SUPREME COURT DOCKET NO. 254

STATE DISCIPLINARY BOARD
DOCKET NO. 817

LARRY COHRAN,

Appellant,

vs.

STATE BAR OF GEORGIA,

Appellee.

NOTICE OF APPEAL

Notice is hereby given that LARRY COHRAN, Respondent in the above-styled case appeals to the United States Supreme Court from the order of the Supreme Court of Georgia of October 26, 1983, and their denial of Respondent's Motion for Rehearing on December 16, 1983.

Dated this 15th day of March, 1984.

/s/LARRY COHRAN
Appellant

P. O. Box 724054
Atlanta, Georgia 30339

(404) 952-4444

CERTIFICATE OF SERVICE

I hereby Certify that I have this day mailed a copy of the foregoing Notice of Appeal to counsel for the State Bar Association by placing a copy of same in a properly addressed envelope with sufficient postage attached thereto and depositing same in the United States Mail to:

Mr. Joe David Jackson
Assistant General Counsel
State Bar of Georgia
84 Peachtree Street, 11th Floor
Georgia Justice Center
Atlanta, Georgia 30303

Mr. Edward S. White
Nall & Miller
1500 Equitable Bldg.
100 Peachtree Street, NW
Atlanta, Georgia 30043

This 15th day of March, 1984

/s/ Larry Cohan

P. O. Box 724054
Atlanta, Georgia 30339

(404) 952-4444

RULE 4-102. DISCIPLINARY ACTION; STANDARDS--The Standards of Conduct to be observed by the members of the State Bar of Georgia are set forth herein and any violation thereof shall subject the offender to disciplinary action as hereinafter indicated which may include disbarment, suspension, reprimand, either private of public, or admonition; and power to administer a greater punishment shall include the power to administer the lesser, and with the maximum degree of punishment to be as hereinafter designated for each standard which may be violated.

STANDARD 4. A lawyer shall not engage in professional conduct involving dishonesty, fraud, deceit, or wilful misrepresentation. A violation of this standard may be punished by disbarment.

RULE 4-103. MULTIPLE VIOLATIONS--A finding of a third or subsequent disciplinary infraction under these rules shall, in and of itself, constitute discretionary grounds for suspension or disbarment. The State Disciplinary Board may exercise this discretionary power when the question is appropriately before the Board.

RULE 4-203. POWERS AND DUTIES--In accordance with these rules the State Disciplinary Board shall have the following powers and duties:

(e) said Board, subject to judicial review by the Supreme Court as hereinafter provided shall have power to receive reports from special masters, to recommend to the Supreme Court the suspension, removal or disbarment of lawyers, to issue letters of admonition and to pass upon petitions for reinstatement or for protection of the clients of deceased,

disappearing or incapacitated members of the bar;

(i) to receive, investigate, review and accept or reject such petitions for voluntary discipline or petitions for voluntary surrender of license to practice law as may be filed with the Board prior to the time of issuance of a formal complaint by bar counsel; provided, however, that each such petition shall contain admissions of fact and admissions of conduct in violation of Part IV, Chapter 1 of these rules sufficient to authorize the imposition of discipline. Bar counsel shall, upon filing of such petition, file with the Board its recommendation as to acceptance or rejection of the petition by the Board, giving the reasons therefor, and shall serve a copy of its recommendation upon the attorney presenting such petition;

RULE 4-205. LETTERS OF ADMONITION IN GENERAL--In lieu of the imposition of any other discipline, the State Disciplinary Board may issue letters of formal or informal admonition in any disciplinary case upon the following conditions:

(a) the case has been thoroughly investigated by a member of the State Disciplinary Board, the respondent lawyer has had an opportunity to hear, and answer, the charges brought against him, and the case has been reported to the entire State Disciplinary Board assembled at a regularly scheduled meeting;

(b) the State Disciplinary Board, as evidenced thrcugh the majority vote of its members present and voting, is of the opinion that the respondent lawyer has engaged in conduct which is in violation of the provisions of Part IV, Chapter 1 of these rules;

(c) the State Disciplinary Board, as evidenced through the majority vote of its members present and voting, is of the opinion that the conduct referred to in subpart (b) hereof was engaged in:

(1) inadvertently; or

(2) purposefully, but in ignorance of the applicable disciplinary rule or rules; or

(3) under such circumstances that it is the opinion of the State Disciplinary Board that the protection of the public and rehabilitation of the respondent lawyer would be best achieved by the issuance of a letter of admonition rather than by any other form of discipline.

RULE 4-206. LETTERS OF ADMONITION; CONTENTS--Letters of formal and informal admonition shall contain a statement of the specific conduct of the respondent lawyer

which violates Part IV, Chapter 1 of these rules, shall state the name of the complainant and shall state the reasons for issuance of such letter of admonition. In addition, a letter of formal admonition shall contain the following information:

(a) the right of the respondent lawyer to reject the letter of formal admonition under Rule 4-207;

(b) the procedure for rejecting the letter of formal admonition under Rule 4-207;

(c) the effect of an accepted letter of formal admonition in the event of a third or subsequent imposition of discipline.

RULE 4-207. LETTERS OF FORMAL ADMONITION; RIGHT OF REJECTION--In any case where the State Disciplinary Board imposes discipline in the form of a letter of formal admonition, the respondent lawyer

shall have the right, within thirty (30) days of his receipt of the letter of formal admonition, to reject it in writing. Such written rejection shall be deemed an election by the respondent lawyer to continue disciplinary proceedings under these rules.

(a) In all cases the respondent lawyer shall notify the State Disciplinary Board of his rejection of the letter of formal admonition through certified mail, return receipt requested, directed to the General Counsel of the State Bar of Georgia at the current headquarters address of the State Bar.

(b) A vote for the issuance of a letter of formal admonition by the State Disciplinary Board shall constitute its finding of probable cause in the case so that the rejection of a letter by the respondent lawyer shall cause the State

Disciplinary Board to proceed under Rule 4-204 (d).

RULE 4-208. LETTER OF ADMONITION; EFFECT IN EVENT OF SUBSEQUENT DISCIPLINE--

(a) A copy of each letter of informal admonition shall be retained, on a confidential basis, in the permanent files of the State Bar of Georgia but may not be introduced into evidence or otherwise considered by a special master or the State Disciplinary Board in the event of subsequent discipline against the same lawyer.

(b) An accepted letter of formal admonition shall be considered as a reprimand in the event of a third or subsequent imposition of discipline.

END OF DOCKET